

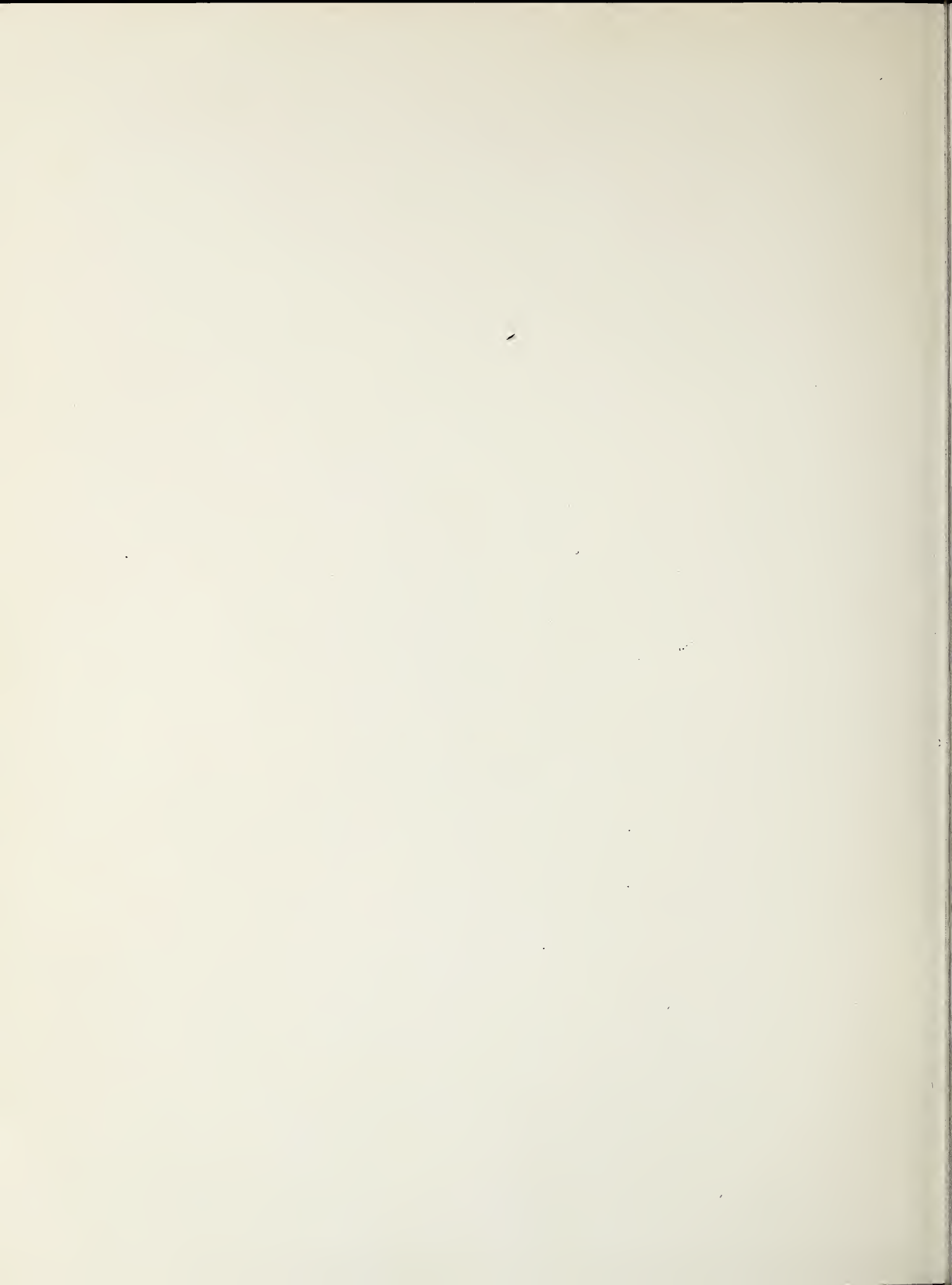
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U.S. DEPARTMENT OF COMMERCE  
National Fire Prevention and Control Administration  
National Academy for Fire Prevention and Control

FINAL REPORT



# **ARSON: AMERICA'S MALIGNANT CRIME**



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LEADERSHIP SEMINARS FOR DEVELOPING  
A COORDINATED ATTACK ON ARSON  
JANUARY 13-15, 1976 □ FEBRUARY 23-24, 1976

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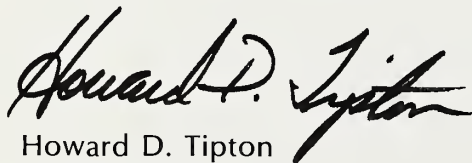
Prepared for  
National Fire Prevention and Control Administration  
National Academy for Fire Prevention and Control  
U.S. DEPARTMENT OF COMMERCE

# To the Reader

The National Fire Prevention and Control Administration is fully committed to developing an action plan which will turn around our intolerable national arson situation. In a definitive step toward that goal, the Arson Leadership Seminar participants have identified nine needs areas and recommended a number of specific courses of action for both public agencies and private agencies and private industry. As a direct result, the National Fire Academy is preparing courses in arson detection and arson investigation, and the National Fire Data Center is establishing an arson information center as part of the National Fire Reference System. Other NFPCA actions will follow.

It is clear that all of us must seek innovative avenues for arson control. The Arson Task Force Concept advocated in this report is one possibility. It will be thoroughly explored by the Academy. Another, which has come informally to our attention, is the idea of holding fire insurance loss payments in escrow against actual reconstruction costs as a deterrent to burning "to collect the insurance." This practice has apparently been tried on a limited basis by segments of the insurance industry with some degree of success. It would appear to be worthy of more serious study.

We are truly excited by the possibilities for effective action proposed at this seminar. I extend to Moderator Roger M. Freeman, Jr. and to each of the other participants my personal thanks for the work they have done. I ask each of you who study their words to join with us in actively and diligently finding ways to bring our collective resources to bear on the problem. Your comments and suggestions will be most appreciated and should be addressed to Superintendent David M. McCormack, National Academy for Fire Prevention and Control, P. O. Box 19518, Washington, D. C., 20036.

A handwritten signature in black ink, reading "Howard D. Tipton". The signature is fluid and cursive, with the first name "Howard" being the most prominent part.

Howard D. Tipton  
Administrator  
National Fire Prevention and  
Control Administration

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# FOREWORD

Current trends in arson are worsening despite all efforts that have been made and are being made. However measured—total number of losses, number of losses per million population, dollar loss per capita, loss by occupancy group—arson's rate of growth has been dramatic.

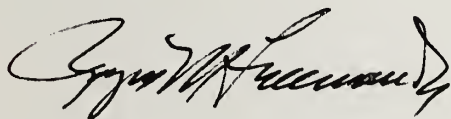
Two quotations perhaps will provide insight as to why. A state fire marshal division Captain recently commented: "If we continue to do nothing in terms of a collective and unified approach to this problem, the incidence of arson will increase to a degree that eventual solutions will be next to impossible." And, in a report of the Committee on Fire Research of the National Research Council, the author stated: "Nobody is really unconcerned about arson—they all agree that it is a problem that needs work. They just believe that somebody else is working on it."

The crime of arson recognizes neither political nor geographic boundaries. It is national in scope and warrants an adversary no less powerful than all the forces our government can assemble and array against it.

With all great undertakings there has to be a beginning. Alarmed by arson's rise, and responding to a national mandate which brought it into existence to help in the nation's fight against fire, the National Fire Academy called together a group of thirty-six concerned citizens and experts in the field of arson. Participants were chosen from a broad geographic spectrum and represented the disciplines whose work and expertise bear on the total arson problem.

This working seminar provided the opportunity for us to meet in a concerted interdisciplinary effort to develop a coordinated attack on arson for maximum impact. We have endeavored to recognize the history of arson, to recognize the work that has been done and is being done, to examine in-depth the total problem, to consider why the problem remains despite the work that has been done, and, most importantly, to explore avenues for development of focused effort.

How well we have succeeded remains to be seen—to be measured by the effectiveness of those action programs which stem from this report. One thing is certain. All those concerned, the fire service, law enforcement agencies, criminal justice personnel, the insurance industry, the financial community and the National Fire Prevention and Control Administration must act. We must act now and we must act in concord.



Roger M. Freeman, Jr.  
Moderator

President  
Allendale Mutual Insurance Company

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# PREFACE

In the ivory towers of government and in the granite towers of the insurance industry there are people who care. For years arson in America has been the subject of an occasional television documentary or newspaper expose, but little else. Now, at last, we have been delighted to find a leadership group from a wide spectrum who are so personally involved as to go on record with a set of positive action steps which can reduce the problem substantially. Many of these steps will not be easy to take, but they all must receive consideration as some of America's best thinking about the arson problem. This report belongs to the 36 leaders who created it, but it also reflects the interests of the National Fire Academy of NFPCA. To its basic grant for providing facilities for the seminars, Battelle Memorial Institute has added the concern and time of dedicated researchers who share our conclusion that tomorrow is too late. Now it is time for all of us to demonstrate that we care about arson by taking actions to implement these words.

Together, we can move mountains.



David M. McCormack  
Superintendent  
National Fire Academy

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# EXECUTIVE SUMMARY

There are cancers affecting our cities, towns, and countrysides which are creating serious national and local issues. Pollution, unemployment, energy shortages, violent crime and white collar crime are typical of the problems that we must address in America's third century. Another such problem is our nation's alarming increase of fire losses in property damage and human suffering. *America Burning*, the 1973 Report of the National Commission on Fire Prevention and Control, described this problem graphically and led to the establishment of the National Fire Prevention and Control Administration (NFPCA). This agency quickly joined others who view arson—malicious burning of property—as one of our most cancer-like fire concerns. Support came from a wide professional group—fire and police services, arson investigators, insurance companies, the banking industry, prosecutors and the courts, researchers and educators.

Thirty-six concerned spokesmen met in Columbus, Ohio, at Battelle Memorial Institute in January and February 1976, under the sponsorship of the NFPCA's National Fire Academy. Our purpose was to hammer out the needs and the actions required to initiate a coordinated attack on arson. David M. McCormack, Superintendent of the National Fire Academy, made this charge to us:

**It is clear that the control of arson is a major objective, since it is probably the most neglected crime in the United States, if not the world. And its outbreak now is at epidemic proportions . . .**

**Let's see if we can move in one general direction. We don't all have to move in locked step, but we should at least be moving toward the same goals. . . . We are prepared to undertake our responsibility to move now on short-term solutions to problems, but we cannot ignore intermediate and long-term problems. I think it is the responsibility of the Academy to serve as the catalyst and help this group continue facing up to them.**

The result of these seminars is a combination of prescriptions to combat arson. Some of these prescriptions can be filled by the NFPCA and National Fire Academy in their roles of national coordinators of planning, research and training to attack fire. Some must be filled by the fire services, police authorities, the insurance industry, the court system, or by state and local govern-

ments. But each of the activities that we recommend must demand the participation of a wide professional group and a concerned public. To seek out and reduce the causes and effects of arson demands a "combination of ingredients;" no single "cure" can do it.

Nine specific needs were identified. These needs really are parts of the overall problem of getting a coordinated attack going, developing new information but also making good use of the information and capabilities that we already have. None of these needs have special priorities, but all must be addressed squarely. Past failures may have come from an inability to do this. The group ranked the needs in the order of their perceived importance but was quick to point out that it would be foolish to address the needs one at a time.

*1. To develop and define the responsibilities of all who should be concerned about the arson problem.*

Is arson a police responsibility, a fire responsibility, an insurance fraud responsibility, or what? There has been more heated discussion of responsibilities than perhaps any other aspect of arson. Each community seems to approach the problem in its own way, but it is clear that success only can be achieved by working together with special attention to the court system. The seminar group challenged the NFPCA to lead in developing a model arson task force concept as a prototype, not to replace existing successful efforts, but to clear the air where local efforts are not successful. Each task force must meet the specific needs of a city, state or region. However, the NFPCA can provide a useful information resource for local authorities to build on.

*2. To reclassify arson in crime reporting systems to reflect its true seriousness.*

Because arson is not classified as a "Part I" crime in the Uniform Crime Reports compiled by the Federal Bureau of Investigation, we do not get complete reporting and news media coverage. Therefore, we have little chance of identifying the spiraling occurrence of the crime of arson. This leads inevitably to local apathy, what we don't know can't seem to hurt us. The seminar group strongly advocated NFPCA leadership in getting this problem presented to the International Association of Chiefs of Police Committee on Uniform Crime Records. (This Committee is

responsible for setting the definitions of Uniform Crime Reports coverage.) But each person who is concerned about arson also must support "Part I" status, both individually and through his own professional group. This includes all concerned members of the public.

*3. To make all segments of the public aware of arson, its consequences, and the need for action.*

Awareness and concern are needed both by the public at large and the smaller "public" who should have professional interests in stopping arson. Building awareness and involvement should be done continuously, not with "one shot." The group called on the NFPCA to develop a public information program on arson as a national problem. Additions to this program should be a film on arson, a professional journal for interdisciplinary communication, exchange of information on public awareness activities, and a public relations guide for fire service organizations.

*4. To develop and apply job-related training programs on arson for investigators and all other categories of concerned personnel.*

Few fire service organizations have trained arson investigators, and there is little training in arson investigation for police. Attorneys, prosecutors and judges need special training in handling arson cases. There is a particular need for coordinated programs within the insurance industry. The seminar group recommends top priority for job-related arson training within the National Fire Academy, with a task analysis to find out what various categories of personnel must be expected to do. Without delay, professional accreditation mechanisms are needed for arson investigators. The NFPCA must encourage the insurance industry to strengthen its own training. Professional training should include use and selection of scientific equipment for detecting fire causes.

*5. To develop and apply better reporting, data-collection and data analysis procedures.*

The NFPCA's National Fire Data System and a proposed insurance industry information system for identifying persons with repeated fire losses will have impact on the arson problem. But even if both systems are completely implemented—which may take some years—there will be voids of information and statistics. This is complicated by the lack of laws authorizing private authorities to share their information with public authorities and vice versa. There is also a need for a more

generalized resource such as an information center specifically devoted to all aspects of arson. The NFPCA should serve as a catalyst in developing this information resource. User committees should be established to work out compatibility of private and public information systems. At the state level, procedures should be encouraged which would give appropriate legal protection to insurance companies providing information on arson to public authorities. It is recommended that the National Association of Insurance Commissioners promote the development of model legislation to accomplish this.<sup>1</sup>

*6. To promulgate and apply effective, uniform laws and regulations, particularly insurance regulations and practices.*

Arson laws throughout the states lack uniformity, appropriate penalties and specific delineation of responsibilities. Confusing regulations and determinations also have negative impacts on insurance efforts to do something about arson. Better laws are needed, but these must be backed by the resources necessary to enforce them. The group recommends NFPCA involvement in developing a new model arson law for consideration by states and in recommending insurance laws that could take the profit out of arson. The National Association of Insurance Commissioners should encourage and recognize the insurance industry's own efforts. State insurance pools which share the risk in high-risk areas should be encouraged to accelerate positive actions to curb arson. Impacts on arson of housing and banking laws and regulations should be examined.

*7. To identify and develop adequate sources of funding to combat arson at all levels.*

Where there is no agency specifically responsible for arson, there is no specific funding; but even established agencies often lack funds. Federal, state and local government and private sources of funding are not well enough defined. The seminar group recommends immediate NFPCA involvement in identifying federal funding sources. At the state level there needs to be greater concern both by insurance companies (the "givers") and by state fire marshal offices (the "receivers") over the utilization of public funds. Within the insurance industry, and within other

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<sup>1</sup>See Appendix B for Ohio Senate Bill 462, "To require an insurance company to furnish to fire officials information relating to its investigation of property fire losses and to establish evidentiary rules relating to the use of the information."



sectors of private enterprise affected by arson, there must be increased attention to funding of education, prevention and detection activities. The NFPCA and trade and insurance associations should promote the exchange of information on funding needs and successes.

*8. To conduct research and development on tools for arson investigation and on social and behavioral causes of arson.*

There is a lack of understanding, appreciation and application of scientific techniques for identifying the causes of arson fires. What scientific equipment is used often has been adapted from some other discipline. There are particular needs for research on scientific detection methods, on the behavior patterns of arsonists, and on the social, psychological and psychiatric aspects of fire setting. In developing and defining responsibilities related to arson the NFPCA should encourage systems studies of the entire problem. Scientific equipment must be assessed, and there must be human factors research on its application. Equipment requirements and funding mechanisms should be established. A basic behavior research program on arson should be established under the NFPCA. There also is need for research into new materials which might become involved in fires or incendiary devices.

*9. To develop a uniform arson terminology for all disciplines and all parts of the United States.*

Uniform legal descriptions and interpretations of arson and related matters are required. The fire investigator needs an everyday glossary for fire cause identification—a field guidebook. The insurance industry needs a better, more uniform interpretation by the courts of insurance policy wording relating to the value of insured property. The seminar group recommends that the NFPCA immediately designate an interdisciplinary committee to develop a glossary of arson terms. Concurrently, a field guide for arson investigation should be developed. Insurance attorneys and the National Association of Insurance Commissioners must develop better, more uniform interpretations of insurance law.



This report places a heavy responsibility on the National Fire Prevention and Control Administration and its National Fire Academy. This is as it should be, for the NFPCA was created to provide a federal home for the fire problem, and arson is one of the most significant aspects of that problem. However, if the NFPCA is to achieve its goal to reduce fire losses substantially within the next generation, there must be participation by everyone. We in the seminar group have made this commitment, and we ask all who read this report to join us.

# INTRODUCTION

"Through progress in medicine, automobile design and pollution control, Americans are fighting against their destroyers. Some day they will awaken to the realization that they need not accept destructive fire passively. Research must go forward now so that, when that day arrives, effective countermeasures against fire will be ready. Indeed, there are already many Americans who do not accept destructive fire passively. They would have welcomed tomorrow's research accomplishments many years ago."—*America Burning*, The Report of the National Commission on Fire Prevention and Control.

In 1971 the National Commission on Fire Prevention and Control was set up under public law to study and investigate the rising tide of fire losses in America. The Commission's Report, *America Burning*, presented to the President in May 1973, made specific recommendations which led to the establishment in 1974 of America's first federal agency specifically dedicated to reducing damages and preventing loss of life from fire, the National Fire Prevention and Control Administration (NFPCA). Immediately on their formation, the NFPCA and its National Academy for Fire Prevention and Control plunged deeply into the problems which contribute to fire losses. Among the most widely recognized problems is that of incendiarism or arson, fire losses caused by intentional burning.

Recognizing the mutual needs of private and public groups, the National Fire Academy in 1976 provided a grant to Battelle Memorial Institute for an effort to articulate what could be done about arson, both to guide the Academy and the NFPCA in general and to provide a consensus for those outside the federal government. Under this grant, two sessions of a Leadership Seminar for Developing a Coordinated Attack on Arson were convened at Battelle in Columbus, Ohio. Chaired by Roger M. Freeman, a member of the original National Commission on Fire Prevention and Control, these seminars brought together 36 experts from a wide variety of professional groups concerned about the impact of arson. The seminars were held January 13-15 and February 23-24.

It was the consensus at these seminars that several significant actions are necessary if arson is to be stopped. We present these actions here for urgent and immediate consideration both by the

Academy and by all other public and private groups which must share interest in this serious problem.

The sawed-off shotgun, the switch blade, the Saturday night special, all are manifestations of today's violence. These weapons are the tools of a trade which challenges the heart of American society, reaching from the newspaper headlines, through "Kojak" and "Harry-O" on the TV, and on into the frightening but dry statistics of the FBI's Uniform Crime Reports. But one weapon remains unappreciated, despite the fact that this weapon is more universally available than any other and does more damage to property than all the others combined. That weapon is the common match—available to all, cheap, quick, easy to use.

Urban fire departments estimate that as much as half of all fire losses in America's cities are from fires that are set on purpose. Far from the cities, about a quarter of all forest fires are similarly set on purpose. Fires of incendiary origin are ripping off America at a rate so high that the metropolitan inner-city areas of some of our major population centers are beginning to resemble London after World War II.

These losses are all around us, and we are beginning to feel their impacts on the American economy which each year may total as much as \$10 billion<sup>2</sup> through higher insurance premiums, higher prices for what is not burned, lost jobs and higher taxes. Each year, also, as many as a thousand of us may lose our lives to arson.<sup>3</sup>

To stop this trend there is an army of dedicated professionals rivaling in size all our military forces. Virtually every firefighter, police officer, prosecuting attorney and insurance adjuster is potentially in that army. There already are special

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<sup>2</sup>Based on insurance industry estimates. The Insurance Service Office, an insurance statistical, advisory and rating organization, estimates that the total actual fire loss due to arson in 1976 could exceed \$4 billion. According to the American Insurance Association, incendiary fires currently account for 21 percent of the number of fire insurance claims and 40-50 percent of dollars lost to fire.

<sup>3</sup>Estimate from International Association of Arson Investigators.

task forces; training programs are being initiated; thousands of dollars already are being spent by insurance companies just to make the public aware.

Why, then, is arson still such a disaster?

It is a disaster because it is the one aspect of America's fire problem which most badly needs a combined approach, involving professionals and the public working together. Yet, each of us seems to look at arson in a different way, and in doing so we lose track of a common, achievable objective. We have defined our own jobs too narrowly.

The policeman traditionally has little time for an arson investigation unless there is a homicide.

The firefighter traditionally fights fire, not criminals; his job is to get the fire out and cleaned up.

The fire insurance executive traditionally has not been given the incentive to think of criminal arson as his own problem as well as that of law enforcement agencies.

The fire insurance adjuster traditionally has been encouraged to make a quick settlement; he also must be encouraged to make a thorough investigation.

The fire investigator traditionally has been encouraged to perform only his assignment and not to share his information with others.

The prosecutor traditionally wants an airtight case in a hurry; a shaky case is to be avoided particularly if there are political consequences.

The neighbor traditionally prefers to look the other way; it's safer to keep one's nose clean, and why bother to call attention to somebody burning his own property.

The jury member under duress traditionally prefers to help the little guy against the insurance giant; if no one is hurt in a criminal case, he doesn't care.

The local politician wants immediate impact but is afraid to shake up time-honored traditions.

The state legislator is traditionally more in-

terested in maintaining control of tax funds than in giving the funds to other people to solve problems.

The social worker traditionally finds it difficult to differentiate between the crime of arson and underlying social injustices.

The consumer advocate traditionally seeks to protect individual rights but has difficulty describing the rights of those who are harmed by the individual arsonist.

The two sessions of the National Leadership Seminar for Developing a Coordinated Attack on Arson brought fresh air to these and other problems. Leaders representing a wide spectrum of those who should be concerned about arson met together to develop recommendations which reflect perhaps a greater unanimity of opinion than ever before has been obtained on this issue. We who took part in the seminars have strengthened our resolve to get each of the recommendations carried out, whether it be by the National Fire Prevention and Control Administration, by other government groups, by private industry and citizens, or by all groups working together.

Nine specific recommendations came out of the seminars. In this report there is a section devoted to each of the nine; each section begins with a short discussion reflecting the views of seminar participants. Following that discussion, steps for action are presented. This report is not an attempt by a committee to develop an innocuous "lowest common denominator." Our understanding of each of the problem areas represented by these recommendations was hammered out after extensive, almost painful, discussion. We realize that only by addressing a combined approach to the problem areas—disregarding parochial interests—can there be any real progress. In this spirit we also have identified agencies to carry out the recommended actions.



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# WHAT IS ARSON?

Arson and incendiarism are essentially the same thing. As the seminar moderator pointed out in his opening remarks, their early incidence probably coincided with man's first knowledgeability of fire itself. "Surely, it couldn't have taken long for the evil lurking in Casper Caveman's mind to warp the potential good in fire as a weapon for personal gain." Ancient penalties for arson were often appropriately severe; in Rome the punishment was being burned to death.

In 1920 a model arson law was advocated by the Fire Marshal's Association of North America. Later advocated by the National Fire Protection Association, this law is reflected in the arson legislation of some states in the United States. However, there still are many differences; for example, in some states the malicious burning of an automobile is considered arson, in some states it is not.

It is important to consider what happens when a person is killed in an arson fire, whether that person is an occupant of the premises or a firefighter. Under felony murder laws in most states this is homicide, and it must be treated as such.



By common law, arson was simply the malicious burning of someone else's house. The model law expanded the common law definition to include any property, including one's own, and to designate four degrees of arson: the burning of dwellings; the burning of buildings other than dwellings; the burning of other property; and attempted burning of buildings or property.<sup>1</sup> Under the law a distinction is made between malicious burning and arson in which there is risk of physical harm to a person.

Laws concerning arson vary in the states probably more now than several years ago when the model law was supported most actively. One of the reasons that laws may differ in wording if not in meaning is that various state legislatures are seeking their own solutions to urban crime through legislation.) Though confusing, these efforts need not cloud the issue. Arson is and remains a crime that is easy to define when we look at it in its proper social context. As a working definition, the seminar group recognized the definition of arson which appears on page 74 of *The American Heritage Dictionary of the English Language*:

*The crime of maliciously burning the building or the property of another, or of burning one's own for some improper purpose, as to collect insurance.*

Like cancer, arson is a malignant type of crime. In both urban and rural areas we have seen it spread where its roots are not stopped, proliferating to new neighborhoods. Using the same analogy, we have been made aware that also like cancer, arson has a complex collection of root causes. In this report we do not guarantee a cure or even a set of cures for these root causes. However, there are several specific actions which both public and private sectors can undertake now to get at the causes. These actions can lead to a new atmosphere of awareness and concern.

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# OVERVIEW OF NINE NEEDS AREAS

Programs to combat particular types of crime (for example, rape) are developed by first tracing the crime sequence and then augmenting the efforts of those who can have clear impact on steps in the sequence. Specific functions of information and prevention programs are defined, and enforcement agencies are provided the tools that they need. These steps can work for arson, but the crime itself affects so many groups whose professional interests are different that it is hard to know where to begin.

In wrestling with this problem, one begins to think of a logjam. There are many unfilled needs which seem to be holding each other back. If only a key need can be filled, perhaps several other needs will be satisfied automatically. But what is the key? In our search we have identified nine major needs areas on which the National Fire Prevention and Control Administration and other public and private agencies should have an impact. Here we present the needs areas in order of their importance as perceived by the seminar group. But it would be wrong to apply such a ranking literally. Each needs area impacts all of the others. Collectively they can be keys to the logjam, but it would be impossible to simply take them up one by one in the order that they are listed. The real key is a coordinated effort, a model effort integrating the appropriate resources. Our recommendations must then serve as a guide to the National Fire Prevention and Control Administration as the coordinating agent.

1. It is of primary importance to develop and define the responsibilities of the fire services, the law enforcement services, the legal system, insurance companies, and other public and private bodies who should be concerned with the arson problem.

2. There is a need to reclassify arson in crime reporting systems such as the FBI's Uniform Crime Reports to reflect its true status as a major offense so that (a) reporting can be more complete and (b) people can be more aware of its impact.

3. There is a need to make the public, defined broadly to include both the public in general and

those with professional interests, more aware of the consequences of arson and the need to do something about them.

4. There is a need to develop and apply training programs which are directly keyed to the job-related needs of professional investigators and of other categories of personnel such as firefighters, police officers, attorneys, prosecutors, judges, insurance adjusters, insurance underwriters and insurance claims supervisors.

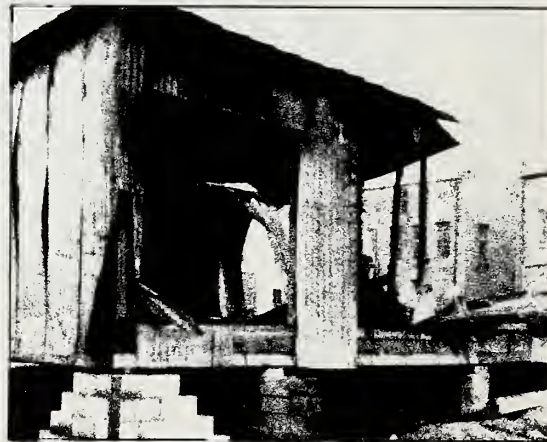
5. There is a need to develop and apply better reporting, data collection and data analysis procedures on local, state and national bases so that public and private agencies will have access to information they need for both their own activities and to enhance public understanding.

6. There is a need to promulgate and apply effective laws and regulations which are as uniform as possible among jurisdictions. This applies particularly to effective insurance regulations and practices which can discourage arson.

7. There is a need to identify and develop adequate sources of funding to combat arson.

8. There is a need to conduct research and development (a) to make available better and more useful tools for arson investigation and (b) to provide a better understanding of social and behavioral phenomena associated with arson.

9. There is a need to develop a consistent, uniform terminology that can be applied to arson and incendiarism by all disciplines and in all sections of the United States.





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# THE NEED TO DEVELOP AND DEFINE RESPONSIBILITIES

Arson is both like an orphan and like a child whose separated parents are fighting constantly over its custody. Clearly, it is a law enforcement problem; there are laws against arson and they must be enforced. But the immediate impact of an arson fire is on the firefighter who puts out the fire and thus is in a unique position to bear the responsibility for arson detection. The third side of the triangle is the victim of the arson who may be the owner of the property which is burned, the insurance company which absorbs the risk of the owner and his banker, or the innocent bystander who loses his life. Wherever arson is encountered there is some kind of a division of responsibility, effective or not effective.

1. In some cities (Houston, for example) fire service agencies are endowed with police powers. If the responsible fire service personnel are well trained in investigation techniques and have adequate police training, this arrangement can be effective, particularly if there is well established liaison with the courts.

2. In some areas (Michigan, for example) arson investigation is supervised — if not always handled — by a state police agency. This works best where there is an adequately trained staff and a good information network. The importance of prompt reporting of suspicious fires by fire service personnel cannot be overemphasized.

3. In some cities (Chicago, for example) only the police handle arson investigation. Responsibilities of the fire services end with reporting that a fire is suspicious. For such an arrangement to be successful, cooperation between the fire and police services must be complete and constant. All police assigned to investigate arson fires must have specialized training. There must be enough skilled investigators to respond to a suspicious fire at any time and trained fire service personnel to preserve the evidence. As in all other cases, there should be cooperation with insurance company investigators.

4. In many areas fire service personnel are expected to carry out arson investigation, but without police power and usually little training in investigatory procedures. At least in theory,

police are available to assist. This arrangement probably is the least effective of all.

5. In some states (Ohio, for example) there is an arson investigation bureau reporting to the state fire marshal. This bureau is intended to supplement local efforts, not act as a substitute for them. Where such a bureau is adequately staffed with trained personnel, is free of politics, and has good local cooperation, it can be effective particularly in a leadership role.

6. Some areas are swinging toward the task-force approach. Where an arson task force is broadly constructed, with representation of all concerned groups, this arrangement can be an excellent choice. For example, in the Bronx (New York City) a highly successful task-force operation has been instituted under the direction of the office of the District Attorney. The role of the prosecuting attorney in such a task force, or in arson investigation in general, cannot be overemphasized; for it is the prosecutor who must institute the criminal action that gets the arsonist off the street.

7. Until 1970 there was a separate private arson investigation activity under the National Board of Fire Underwriters funded by approximately one-third of the insurance industry. There were some 100 investigators scattered throughout the United States. While this "arson squad" often had informal liaison with fire and police services, it was used primarily by insurance adjusters. The service was dropped because of administrative difficulties, particularly because some insurance companies objected to paying a disproportionate share of the load for a service they felt should be provided by public agencies.<sup>4</sup>

Successful prosecution of arson must be carried out through the courts and must involve both the

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<sup>4</sup>Recently, the Insurance Crime Prevention Institute, an organization which has been effective in other insurance-related crime areas, has initiated a major expansion into the property and arson fraud sector. On the basis of successful experimental programs in New York and Los Angeles, the Institute in 1976 is expanding this activity into fourteen major metropolitan areas.



fire protection and law enforcement sides. It is essential also that insurance companies recognize their own legitimate interests, and that these interests be recognized by others. There must be a clear understanding of how insurance and public authorities can work together and share information without risking libel or other damage charges.

More has been said about the responsibility problem than perhaps any other aspect of arson. Each community seems to approach the problem in its own way, and there are many combinations of the seven approaches defined above. But whatever the strategy may be, the needs, sensitivities; and responsibilities of each concerned group must be recognized. The search for a consensus on responsibility goes deep into the traditional division between fire protection and law enforcement agencies, traditional in the United States if not in other countries. It is compounded by the fact that the vast majority of firefighters in the United States are volunteers. (This is particularly true in suburban and rural areas.) Yet there can be no effective program that is purely fire or police oriented without genuine cooperation by the other service; and back of any

effective program must be the courts. Where an effective program is fire oriented, it should be continued. Where an effective program is police oriented, it should be continued. For anyone implementing a new program, the task-force approach is highly recommended. But there always must be an agency or an individual with executive powers to stimulate involvement of others. Such an individual could be the District Attorney.

Here is what two prosecuting attorneys said about this unique responsibility at the second seminar session:

"I believe that there is a fundamental requirement to deal with the development, the definition, and the assignment of responsibilities for handling arson prosecution, whether it be in a criminal court or in a civil jurisdiction. The reason that I suggest this is that my own experience in law enforcement as a prosecutor, which was primarily in the area of organized crime and major fraud, leads me to suggest that the task-force concept, which does involve the development and definition of responsibilities for investigations, is the only viable concept that can be developed to deal with this problem."

"I think it is incumbent upon a group such as this and the Fire Academy to make the prosecutor (I don't care whether he's in North Dakota or in a major city) aware of his responsibility and that he can use his good offices to coordinate a task-force effort. With a few exceptions, it is very impractical to expect the police commissioner or the fire commissioner to make the first move. But the prosecutor, who very often has a very prestigious position, be he elected or appointed, can use his offices effectively."



# Recommendations

The members of the seminar group are particularly aware of the deep divisions that exist in the assignment of responsibilities for arson investigation. Yet, it is clear there must be an understanding of responsibilities which goes beyond time-honored traditions if anything is to be done. The investigator, the firefighter, the police officer and others are soldiers in the war against arson; they need a commanding officer to function effectively. We believe that the National Fire Prevention and Control Administration and its National Fire Academy must prepare guidelines on how to cope with this problem. These guidelines then can be used by communities and states to fix responsibilities and can serve as bases for statutory actions.

Some examples of guidelines which the NFPCA could develop are:

1. That basic training in fire-cause identification and arson detection is necessary for all fire service personnel.
2. That arson investigators, whether fire or police, must have training which encompasses both fire and police techniques and the legal aspects of arson.
3. That special training and orientation programs for the courts, particularly for prosecutors, must be required in all local areas where federal moneys are made available for fire prevention and control.

It is strongly recommended also that the NFPCA and the National Fire Academy develop a model arson task-force concept to serve as a guide for local communities. This model concept should show how police and fire services can work together. It also should show how building investigators, housing agencies, and social service agencies can become involved. Finally, it should present means for getting public participation through community groups. The following steps should be taken within the next year leading to this concept:

1. Prepare a profile of how responsibilities related to arson are handled in each state, in-

cluding data from state fire marshals, other state agencies, principal fire protection and police departments. This should include a survey of major programs.

2. Develop evaluation criteria and apply them to each profile, identifying both deficiencies and advantages of particular arrangements.

3. Develop a model arson task force concept to serve in correcting deficiencies which have been identified. The concept should address specific needs of (a) major metropolitan centers, (b) smaller cities with paid fire departments, (c) cities and towns with volunteer fire departments, and (d) rural areas.

For the insurance industry, the following special recommendations are in order:

1. There should be a re-examination of the "arson squad" concept. While the squad as previously constituted under the National Board of Fire Underwriters did overlap with local public agency functions, it also provided public agencies with an understanding and appreciation of insurance industry cooperation and insurance-related problems. Such an understanding is now badly needed; it might be provided through the Insurance Crime Prevention Institute.

2. The insurance industry should provide its own personnel, particularly claims adjusters and their supervisors, with a better understanding of the needs and legitimate interests of the fire and police services and the courts.

3. For the fire and police services and the courts, the insurance industry should be encouraged to provide a better understanding of its own interests and the reasons for them, particularly the value to society of preventing arson through vigorous defense of claims in civil court.

Whatever his responsibilities are in combatting arson, one must be trained to understand and accept them. This includes providing the knowledge to develop an appreciation of the arson problem as it affects all groups. Therefore, training cannot be isolated from responsibilities, and there is inevitably considerable overlap in recommendations to meet these two areas of need.

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# THE NEED TO RECLASSIFY ARSON IN CRIME REPORTING SYSTEMS

The almost complete lack of reliable arson statistics leads inevitably to local apathy.

Though records on arson are kept within local and state police and fire agencies, there is only one recognized national source of complete crime statistics. This is the Federal Bureau of Investigation's Uniform Crime Reports. Neither the National Fire Data System of the NFPCA nor the proposed national data system on fire losses being considered by the insurance industry will include specific listings of arson crimes. Nor does the Fire Marshal Reporting Service which is active in 28 states have such specific information. The problem is that within the Uniform Crime Reports arson is not given the "major crime" status of murder, forcible rape, robbery, assault, burglary, larceny and auto theft. It is paradoxical that property losses from arson may exceed those from any of the so-called major crimes.

Because arson is not a major or "Part I" crime, its incidence is not reported with the thoroughness or publicity of other crime reports. Arson actually is recognized as a "Part II" offense, and there are voluntary reporting requirements, but these apparently are generally not observed by the reporting agencies. Each year the "Part I" crime statistics for small and large communities are publicized; they appear in the local press, and they are compared with previous records and the reports from other communities. Not so for arson, where the only local reports are usually those supplied by the fire services on a voluntary basis.

Participants in the seminar recommended that steps be taken immediately through the International Association of Chiefs of Police and its Uniform Crime Records Committee to get arson

reclassified as a "Part I" crime. This reclassification should have several consequences:

1. Better reporting of arson cases by law enforcement authorities, possibly leading to an enormous increase in the reported incidence of arson.
2. Better data on arson through existing data systems, leading to information which could be of use to private and public authorities.
3. Increased awareness of the problem through "shock treatment" affecting the public, legislators, public officials and insurance companies.
4. Identification of arson as a law enforcement problem, leading to improved access to applicable sources of funding for research, development, technology and control programs.
5. Increased motivation for the development of training programs for handling arson at all levels.
6. Incentives to get better arson laws on the books, and to involve prosecutors and the judiciary in a more active manner.
7. Greater attention by the insurance industry to preventing arson fraud.

Getting arson reclassified as a "Part I" crime is a national need, and that need is becoming recognized by all concerned groups, including police. Because police departments often are "rated" in the public mind by their success in curbing "Part I" crimes, many departments might have a public relations problem. However, an intensive public awareness activity, simultaneous with reclassification, might even turn this potential disadvantage to an advantage by calling attention to the need for law enforcement resources.



# Recommendations

Because we recognize that the problem of arson is so intense and is growing so rapidly, it is a national problem. We cannot run the risk of letting it stay a local matter, so there must be national reporting of its incidence through a mechanism that we know is reliable and valid—the FBI Uniform Crime Reporting System. We all have a responsibility to help bring this about by actively involving our own constituent groups—the arson investigators, the police chiefs, the fire chiefs, insurance executives, bankers, judges, lawyers, fire marshal personnel, research workers, trainers and educators.

We recommend that the NFPCA and the National Fire Academy do the following now:

**1. Communicate to the directorate of the Federal Bureau of Investigation that national reporting of arson in uniform crime statistics would be of great value to stopping this crime. Indicate that a concerted effort will be made to get arson declared a "Part I" crime.**

**2. Alert the National Association of Insurance Commissioners to the same need.**

**3. Make a formal presentation to the International Association of Chiefs of Police, or its Uniform Crime Records Committee, that "Part I" crime status is urgently needed. Indicate readiness to participate in a national effort aimed at public awareness, so that individual police agencies do not receive adverse publicity when the new statistic is introduced.**

At the same time these activities are initiated, all concerned public agencies should begin meeting to work out the details of actually implementing the national reporting of arson. The NFPCA should work with the Uniform Crime Records

Committee of the IACP in developing reporting standards and formats. The assistance of the Joint Council of National Fire Service Organizations also should be enlisted.

For the insurance industry there is a special responsibility to call attention to the national reporting problem through all of its information activities at national, state and local levels. As a start, the NFPCA must familiarize insurance organizations with this report and establish working lines of communication with each organization, including (but not limited to)<sup>5</sup>:

The American Insurance Association  
The American Mutual Insurance Alliance  
The Association of Insurance Attorneys  
The Factory Mutual System  
Industrial Risk Insurers  
The Insurance Crime Prevention Bureau (Canada)  
The Insurance Crime Prevention Institute  
All state insurance associations  
Major independent insurance companies  
Property Insurance Plans Service Office  
The Insurance Information Institute  
The National Association of Mutual Insurance Companies  
The National Association of Independent Insurers  
The National Crime Prevention Association  
All state FAIR Plan agencies

Similarly, the NFPCA must provide awareness to and establish communications with the American Bar Association and the National District Attorneys Association.

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<sup>5</sup> See listing of organizations in Appendix A.

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# THE NEED TO DEVELOP AND IMPROVE PUBLIC AWARENESS

This must be interpreted as the need to both stimulate awareness and concern by the public at large and to develop awareness and communication within the smaller "public" which consists of professional groups who should share a concern about arson. Too many of us are like the Japanese soldier who didn't take the trouble to find out World War II was over until he was picked up ten years later. We prefer to ignore arson as long as it doesn't affect us personally. We suffer from a lack of awareness as to the extent of the impact of arson, further compounded by an inability to bring to bear the resources necessary to reduce the severity of the problem. Fire, police and insurance authorities are quick to make a culprit of public apathy, but those same establishments must share a large part of the blame for their own failures to modernize skills and techniques.

In the past there has been some reluctance to publicizing the incidence of arson for fear that publicity, particularly descriptions of arsonists' techniques, might lead depraved individuals into committing this crime. Though information about methods for perpetuating arson must be guarded carefully for obvious reasons, vigorous publicity of arson cases can be an effective deterrent, as indicated by successes in Bronx County, New York, and Seattle.

Participants stressed that building public awareness is a process which should function continuously at all levels, not as a one-shot enterprise. As a basis, there should be better statistical information on arson and better recognition of public and private responsibilities. Having arson reclassified as a "Part I" crime would go a long way toward these goals. However, even

in the present situation, mere commitment to better understanding and communication so that the results of effective programs can be shared would help. Also, all involved agencies could use a better understanding of general public relations practices. In particular, there should be knowledgeable and available persons in each agency who are designated to be media spokesmen. Whether or not these individuals are public relations professionals depends on the size and nature of the agency, but they must be non-political.

In addition, it was recommended that public understanding programs should be positive in nature rather than only reactive. Fire safety education programs must not ignore arson, as many have in the past. Programs are needed which enhance the visibility of arson detection and identification activities; maximum publicity should be given each arrest and conviction.

Specifically, the group identified several types of activities:

1. Do something newsworthy to amplify the problem areas.
2. Establish media relationships before the fact.
3. Develop programs specifically geared to local environments.
4. Develop a central source for collecting and disseminating information and programs. (This source would supply local agencies.)
5. Keep public relations programs free of politics.
6. Conduct training programs on how to establish media relationships.

# Recommendations

1. The NFPCA should immediately begin to develop and coordinate a public information program on arson as a national problem. This program should involve a wide spectrum of concerned groups with all groups represented by seminar participants as the nucleus. But the initial legwork will have to be done by a reasonably sized group of information specialists. As soon as possible the NFPCA should meet with these individuals to chart an information campaign. This group should include information specialists from the Insurance Information Institute, Insurance Crime Prevention Institute, National Fire Protection Association, Joint Council of National Fire Service Organizations, and International Association of Chiefs of Police. The new National Crime Prevention Association also could be invited to participate.

2. A film on the arson problem, treating both crime and insurance aspects, should be prepared for wide public dissemination. Such a film can

provide a mechanism for building professional awareness (particularly in small and medium-sized police and fire service departments) and public awareness. It should be developed in lay language and should concentrate on the losses to American society caused by incendiary fires. We recommend NFPCA sponsorship of this film. The film should be supported by an informative brochure.

3. For professional information exchange, the NFPCA and the National Fire Academy should consider publishing a professional journal on arson and incendiarism which will supplement present IAAI publications by covering a broad, interdisciplinary spectrum.

4. As part of its information program the NFPCA should publish a guide for fire service organizations explaining basic public relations procedures. A section of this guide should be devoted to arson and incendiarism.

5. Information on successful public awareness activities in cities and states should be circulated via newsletter by the NFPCA, the National Fire Protection Association, the Insurance Information Institute, and the Property Insurance Plans Service Office.





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# THE NEED TO DEVELOP AND APPLY TRAINING PROGRAMS KEYED TO JOB-RELATED REQUIREMENTS

Results of a National Survey (conducted by Stanford Research Institute) on arson investigation suggest a disappointing attack on the arson problem. For example, of 100 major jurisdictions surveyed, only 2.2 percent had organized arson investigation units; only 2.5 percent of the 100 jurisdiction had mandatory training for personnel responsible for arson investigation. While no one disagrees that there is a widespread need for training of arson investigators, few such training capabilities exist. There are few insurance industry-wide training and education programs which create an awareness of the arson problem, develop expertise in identifying and investigating arson, and generate a continuing incentive to diminish the impact of arson. (Within the insurance industry, anyone who adjusts losses should be trained properly. But just as important, the adjuster must have resources available to utilize his training.)

There are training activities such as arson seminars and schools conducted by many state and local groups and insurance companies. (In an analysis of training programs by Battelle for the Ohio FAIR Plan Underwriting Association, major inadequacies were identified in 17 such programs examined in detail.) However, there still is no current available program which clearly addresses training needs in terms of what people in specific job categories should do about the arson problem. In particular, there is no certification program for the professional arson investigator. (Such a program could be developed as an addition to certification programs for the fire investigator which are now under development.) Nor is there any type of special training in handling the unique aspects of arson cases for prosecuting attorneys and other court personnel.



# Recommendations

1. Because of the national need and lack of specific programs, we recommend that the National Fire Academy give top priority to developing training programs related to arson with specific components determined by job requirements. These would include investigation but also would cover other areas (for example, how to handle arson in the courts). They would take into consideration existing programs and resources, but they must not be limited by them.

2. As a first step in developing these programs there should be a task analysis for each discipline, clearly indicating the arson-related responsibilities of personnel at all levels. This task analysis also will have to consider the different methods of assigning responsibilities for arson detection, investigation and control. The task analysis should be carried out by the NFPCA in consultation with professional groups.

3. At first the training programs should be "model programs" for implementation by state and local personnel. Four levels of model programs are suggested:

a. Programs for firefighters and fire officers to alert them in detecting the crime of arson and what to do and what not to do before arson investigators can arrive on the scene;

b. A program of special training in arson investigation for the fire services, encompassing criminal investigation;

c. A program in arson investigation and enforcement measures specifically for law enforcement personnel;

d. A special program designed from the standpoint of the needs of the prosecutor.

4. Professional certification is an ultimate necessity, particularly for arson investigators, whether they be hired by public or private agencies such as insurance companies. Such certification would be of particular value to the courts. The Academy should develop courses consistent with certification standards for fire investigators which now are being developed by the Professional Qualifications Board of the Joint Council of National Fire Service Organizations.

5. The Academy should explore the avenue of having the availability of federal funds for fire prevention contingent on the acceptance of arson investigation standards by states and municipalities.

6. Training programs in the insurance industry must also be encouraged and promoted, particularly programs for insurance adjusters and other claims personnel. While these programs might be privately supported, they should be developed with the cooperation of the National Fire Academy.

7. Training programs in arson investigation and detection should include instruction in how to utilize modern scientific equipment, both in the laboratory and at actual fire locations.

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# THE NEED TO DEVELOP AND APPLY BETTER REPORTING, DATA COLLECTION AND DATA ANALYSIS

The lack of data on arson cases parallels the lack of identification. As long as arson is not classified as a "Part I" crime, its incidence will not be reported in national crime statistics. However, even if "Part I" status is achieved, there still will remain needs for data on specific types of fires, the location of specific fires, and insurance claims. These data needs are being approached through two national information systems—one in the process of being instrumented and the other conceptual. In addition, there are a number of state and local data resources on fire incidence and causes, some more effective than others.

The National Fire Data System of the NFPCA is being developed on a graduated basis over a period of years. Initially (in 1976) five or six states are being brought into this computerized data system. Five or six more will be added in 1977, and hopefully eight to ten will be added in the third year. (It may take years for some states to develop compatible reporting systems.) The system is state based. Forms identifying fires and their causes are filled out by local fire departments, then in turn sent to the state for transmittal to the federal government. These user-oriented forms will collect comprehensive information on fire incidents. Among the data elements being collected are occupancy type, causation information and detailed casualty information. For privacy reasons, names and addresses associated with specific incidents are being deleted from the national system. However, information concerning the exact locations of burned property may be available from the states.

A system under study by the American Insurance Association but intended for the entire insurance industry (of which the AIA is one trade association) would be based on reports from individual insurance adjusters nationwide. Information on all fire loss claims over \$1,000, whether arson or not, would be included. There would be identification of the claimant, his attorney or public adjuster if any, his mortgage company, and his insurance company. Each report would be screened and then processed into a nationwide computer system. Insurance companies subscribing to the service (it would be necessary to have nearly complete industry cooperation) would

have immediate access to this information for checking claims, but not for writing policies. Since all fires would be reported, the system could not be condemned for reporting on only those who have experienced arson losses.

From the user standpoint there are potential disadvantages in both of these systems. Case-specific information which insurance companies could use in claim settlement would not be available through the National Fire Data System, unless possibly from individual states. It is unclear just how much information from the proposed private insurance system could be made available for criminal investigations without exposing insurance companies to the risks of lawsuits. At the time this report is being written, a bill is before the Ohio General Assembly which would make it compulsory that insurance companies share their information with public authorities.<sup>6</sup> This bill would grant limited indemnity to insurance companies which comply. On March 25 this bill received unanimous approval of the Ohio Senate.

In 28 states there is an active Fire Marshal Reporting Service which assembles statistics from required fire insurance reports. Apparently, there is little use made of this information, particularly on a national scale. Reporting formats and requirements are not consistent from state to state, and the processing of reports often is uncertain and long delayed. Nor are there well developed, accessible filing systems for these reports. This system might be augmented and made nationwide, but only after considerable study and development. For example, the mere fact that an agency gathers statistics and data and makes this information available to the public or to insurance companies on a routine basis could subject that agency to the requirements of the Fair Credit Reporting Act. And any insurance company regularly providing data to a Fire Marshal Reporting Service would need immunity similar to that provided by the Ohio Senate Bill. In addition, where such a reporting system is not used, merely implementing it would only place a burden on those who have to report the information.

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<sup>6</sup> See Ohio Senate Bill 462 in Appendix B.



In addition to specific fire-oriented information, there is a definite need for a more generalized information resource on arson. Such a resource in particular would facilitate communication between states and cities and between professional groups. This resource also could help provide the basic materials needed for training. In particular, such a center could make available arson case histories and photographic materials showing what to expect in an arson fire. Such a center also could provide information on the use and availability of laboratory and field techniques for fire cause identification. The NFPCA is developing a technical information center which could provide useful information. Battelle was asked by the Ohio FAIR Plan Underwriting Association to make specific recommendations to meet needs in arson-related training and education. The primary recommendation of this study was that the need for an Arson Information Center be addressed.



# Recommendations

1. We encourage the establishment, expansion and implementation of national fire data systems, but these systems must be user oriented. User committees should be established at once for both the National Fire Data System and the proposed insurance industry system. A primary responsibility of these user committees should be to work out compatibility of these systems

2. The NFPCA, with the cooperation of the insurance industry, should organize a legal advisory committee to determine how information about fire insurance claims and fire causes can be shared between private and public agencies. The first order of business of this committee should be to consider the possibility of developing recommended legislation for submission to states which would provide appropriate immunity to insurance companies which share arson-related information with public authorities.<sup>7</sup>

3. The NFPCA, with the cooperation of the Joint Council of National Fire Service Organizations and the National Fire Protection Association, should begin an immediate study of the Fire Marshal Reporting Service. The aim of this study should be to prepare guidelines by the end of 1976 leading to recommendations of how to improve this service or recommendations that statutory requirements for this type of service be re-examined.

4. The National Fire Academy of the NFPCA has recognized the importance of general information on arson by beginning the development of arson-related training programs. In support of these programs we recommend that the proposed arson information center concept be implemented as soon as possible, with the NFPCA serving as the catalyst.

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<sup>7</sup> See Ohio Senate Bill 462 in Appendix B.

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# THE NEED TO PROMULGATE AND APPLY EFFECTIVE LAWS AND REGULATIONS

A myriad of laws exist in this country relative to arson investigation. Often these laws lack uniformity, appropriate penalties, and specific delineation of responsibilities. This leads to apathy and inaction on the part of public officials. Moreover, where laws and regulations can be applied to arson effectively, their non-uniform application can be discouraging. For example, the lack of enforcement of building codes—particularly for multiple occupancy dwellings—is an obvious indication of arson risk.

In addition, there are statutory, regulatory and policy determinations on the part of federal, state and local governments that have negative impacts on both the ability and desire of the insurance industry to mount and maintain effective arson prevention and investigation programs. These can lead to negative impacts on the way insurance companies themselves view the regulations.

It is clear, however, that merely having good laws and regulations on the books will not deter arson. Resources must be available for law en-

forcement, and there must be a desire to get action through the prosecutors and the courts. Another tragic aspect of the arson problem is that there are agencies with investigatory powers, particularly in the state fire marshal offices, but without the resources to do their assigned jobs.

There is a need for a re-examination of insurance underwriting practices and regulations which can have impacts on arson. One basic problem is that of avoiding too much insurance on a piece of property. (In some cases a piece of property actually may be sold for less than its insured value.) Insurance companies should be encouraged to develop information on potential arson risks both through the inspection of buildings and through determination of how the buildings actually are used. There should be a re-examination of laws in some states which make it difficult or impossible for insurance companies to make deductions for depreciation or obsolescence when paying an insurance claim on a structure which is destroyed by fire.



# Recommendations

1. Under contract from the National Science Foundation, the National Fire Protection Association has completed an evaluation of state legislation including arson laws and their impacts. The NFPCA should publish those parts of the comparison which pertain to arson. In addition, the National Association of Insurance Commissioners should determine those features of existing laws which deter the insurance industry in its activities against arson.

2. The NFPCA should designate a committee, including representatives of the courts, to develop a new model state arson law<sup>8</sup> within the next year. This law should be promoted to all public and professional groups, including the Council of State Governments.

3. The National Association of Insurance Commissioners should specifically study the impacts of state laws which may compel insurance companies to pay insurance claims greater than the market values of insured properties. Insurance commissioners should encourage insurance companies to take positive action against arson to avoid having to charge higher premiums.

4. The NFPCA should serve as a catalyst for promoting these three types of activities within professional groups:

a. Forming a legislative committee to analyze and recommend laws, particularly at state and local levels, that would take the profit out of arson;

b. Cooperating with a group such as the National District Attorneys Association in an ex-

amination of the impacts of federal, state, and local housing laws on the spread of arson;

c. Cooperating with a group such as the American Bankers Association in an examination of the impact of federal, state and local banking laws and regulations on the spread of arson.

5. The NFPCA should immediately begin a study of the legal problems and requirements for implementing a model arson task-force concept at state and local levels.

6. State FAIR Plan underwriting associations which, to comply with federal regulations, make insurance in high-risk areas available from "pools" where several companies share the risk, should be recognized and encouraged in their attempts to prevent arson. The Property Insurance Plans Service Office (PIPSO) should prepare and disseminate as soon as possible a public report calling attention to these efforts.

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<sup>8</sup> The model arson law for consideration by state governments was developed under the former National Board of Fire Underwriters. This law defines "degrees" of arson covering the burning of dwellings, burning of buildings other than dwellings, burning of other property, and attempting to burn buildings or property. It also defines burning to defraud an insurer and describes appropriate penalties. In the past, this model had an important influence on state legislation. However, as state laws have been changed to particularly meet the challenges of urban violence, the model law as originally written is falling into neglect. (This law also is referred to in this text under "What Is Arson?")

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# THE NEED TO IDENTIFY AND DEVELOP SOURCES OF FUNDING

Many jurisdictions have neither a definite agency for arson investigation nor the sources of funding to support such an agency. There is a need for specific funding; there is a need for established guidelines and identification of possible sources of funding. There is a lack of public understanding as to the positive financial impact of realistic arson prevention programs on the bottom line of insurance companies.

The NFPCA can take the lead in helping develop well coordinated programs which maximize the impact of federal funding, avoiding a shotgun approach. These programs also must emphasize technology transfer—getting useful technology to local agencies. There is a need to identify these agencies and their requirements and to establish the importance of arson with state agencies which are responsible for funneling federal funds to local levels. Some examples of possible federal funding sources are the Law Enforcement Assistance Administration, the HUD 701 Planning Grants program, the HUD Technology Transfer program, and the National Science Foundation's Research Applied to National Needs (RANN) program.

A number of states collect fire marshal taxes or other special taxes from insurance companies. These taxes are somewhat like the taxes which states impose on gasoline, alcoholic beverages, restaurants and hotels, etc. Usually, each such tax is collected in part to meet a special purpose, though the taxes frequently go to the states' general funds. Each state has its own needs and priorities; however, there should be vigilance by both the insurance companies and the fire marshal offices to make sure that state agencies for fire and arson prevention and control receive adequate support. This vigilance should be shared

by all citizens because all people benefit from adequate fire protection. In addition, it is essential that both public and private agencies in every state provide their constituents with information as to the real costs of arson.

Finally, the insurance companies themselves have an obligation to view the reduction of arson claims as an aspect of efficient and cost effective operation. Positive programs leading to the prevention of arson now are being undertaken by several insurance companies, but more are needed. Every company selling property insurance must become involved; such involvement must be encouraged and supported by insurance commissioners. There also is a genuine need for the coordination of insurance efforts related to arson. Arson prevention is good public relations for the entire insurance industry, not just for a single company.



# Recommendations

1. The NFPCA should immediately investigate and report to the Joint Council of National Fire Service Organizations and the International Association of Chiefs of Police both the funding resources which can be made available for equipment and activities for detecting and stopping arson and how to obtain access to these resources. A report on these resources and on the status of arson as a major crime (even prior to the time "Part I" status is achieved) should be sent as soon as possible to state agencies responsible for approving federal support applications. Examples of any programs receiving current federal funding should be included in this report.

2. We are concerned that there is no single insurance organization with a mandate for coordinating information about the operation and funding of insurance company programs related to arson. We recommend that the NFPCA serve as a catalyst to set up such an organization or agency through the Insurance Information Institute, Insurance Crime Prevention Institute or some other means.

3. State efforts to stop arson, particularly through state fire marshal offices, must be encouraged and adequately funded. Support for these efforts should come from the states' fire marshal taxes and also from other revenue sources because fire prevention and detection benefits the entire economy, not just the insurance industry. The Council of State Governments must be apprised of the necessity for adequate fire marshal support.



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# THE NEED TO CONDUCT RESEARCH AND DEVELOPMENT

Minimal research and development into the arson problem and its related equipment and investigative techniques exist today. There is no broad integrated research base for supporting and upgrading system performance and no technology transfer method to apprise communities of the state of the art. Behavioral and social aspects of the problem are least understood.

Almost all scientific apparatus used in arson investigation has been adapted to arson from some other discipline. Investigators need good, inexpensive, portable equipment; they also need the expertise, understanding and incentives to employ scientific equipment, and the funds to buy it. Such development should be encouraged.

There is a need for more and new basic information pertaining to the identification and collection of residues and other evidentiary burned remains, and of scientific techniques for such identification. This is true because new materials are being used in construction and home furnishings

and because arsonists constantly are using new types of incendiary devices. This research should have direct input into training and education programs and should include emphasis on materials identification through comparison with photographs of actual arson fires and fires in the laboratory. A field guide to scientific techniques for arson identification should be made available. There is a particular need for research on the behavior patterns of arsonists and on patterns which occur in the types and demographic distributions of fires. Though estimates vary on the percentages of arson fires that are set by compulsive fire setters, there is little literature on the psychological and psychiatric aspects of fire setting; much work needs to be done. However, it also must be recognized that fire setting (as with youths setting fire to garbage cans in slum areas) can be a manifestation of the kind of vandalism that results from social discontent; more research in this area also is needed. Finally, law enforcement authorities badly need information on how to cope with urban guerrilla warfare.

## Recommendations

1. In our discussion of the responsibilities of professional groups we identified a need for research by the NFPCA and the National Fire Academy leading to the development of a model arson task-force concept. As part of this research there is a need for a systems study of arson and incendiaryism, and a pragmatic review of available technology, focusing both on staff and equipment requirements for detecting and combatting arson. So that effective use can be made of this information, the study must be completed within one year.

2. In addition there is need for an immediate assessment of equipment available, or which can be made available, for arson detection and investigation. This assessment must focus on the factors of sensitivity (both the degree of sensitivity required for scientific tests and on the sensitivity available from specific apparatus), reliability, portability and cost. There also must be human factors research on the actual use of each piece of equipment, leading to the development of users' guides and instructional materials. As a source of funding for such an assessment the RANN Program of the National Science Foundation should be considered. Results of the assessment should be available within eighteen months.

3. From these studies, basic detection equipment requirements for arson detection in small, medium and large communities should be drawn

up. These requirements should be submitted to the LEAA by the NFPCA within the next two years.

4. The National Fire Prevention and Control Administration should cooperate with other federal agencies in developing a basic behavior research program on arson. In this program there should be prime emphasis on developing information which is directly useful to local fire and police units. For this reason, there should be a review of research proposals by professional arson investigators as well as by social and behavioral scientists. Research under this program should begin during the next year.

5. Through the National Fire Safety and Research Office of NFPCA, the National Bureau of Standards, and/or private agencies, further research must be encouraged on the role of new materials in fires. This includes both materials found in the home which might become involved in fire and materials used in incendiary devices. Research on materials which retard the spread of fire also must be encouraged because the results of this work will have an impact on arson losses as well as on losses from other types of fires. The NFPCA should develop a liaison with NASA in order to benefit from the Space Agency's research on materials which could be used in construction and furnishing. Dissemination of information on materials and their fire retardant qualities must be carried out continuously by the NFPCA and through the NFPCA's contacts with the Bureau of Standards, Consumer Product Safety Commission and other public and private groups.

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# THE NEED TO DEVELOP A CONSISTENT, UNIFORM TERMINOLOGY

There are many ways of looking at this problem, and most were covered by seminar participants.

First, as everyone agreed, there is a need for common definitions which go across disciplines and across geographical areas. There is not necessarily a need for a better layman's definition of arson, but there is a need for more uniform legal interpretations throughout the states. It would be of particular value to the courts if arson could mean the same thing wherever it is applied. There also would be better statistics and less confusion in the public mind. A uniform model arson law would go a long way toward solving these problems.

For the fire investigator there is a particular need for an everyday glossary which he can apply to fire cause identification. This, too, would be useful to prosecutors, insurance attorneys and the courts in interpreting the investigator's findings. Such a glossary, prepared as a field guidebook, might serve as "an encyclopedia of arson facts." One useful guide which already is available, but has not been circulated widely is the "Officer's Handbook for Determining Cause and Circum-

stances of Fire." This guide was prepared as a field aid for the advanced section of the FIFI (Fire Information Field Investigation) learning kits developed by the NFPA under contract with the National Bureau of Standards.

The wording of the standard fire insurance contract regarding "cash value" presents another interpretation problem. In some states there is a broad evidence interpretation of "actual cash value," which means a realistic interpretation of the value of a building in its present location, which might be a blighted area. But in most states the normal interpretation used by adjusters and the courts is that "actual cash value" means replacement costs less depreciation. This gives the arsonist an incentive to burn any building that has become a white elephant. Where "replacement cost" is written on a policy, which is becoming a common practice, the interpretation is less open to question, but the opportunity for the arsonist is just as great. Tying policy face value to the construction cost index invites similar problems. Overall, this is an industry responsibility difficulty, but it also is related to terminology.



# Recommendations

1. The NFPCA should designate a committee representing the insurance industry, fire and police services, the legal profession, and professional arson investigators to develop a glossary of terms relating to arson. This glossary should be available for publication within one year.

2. Concurrently, the NFPCA with the NFPA and the National Bureau of Standards should develop a field guide for arson investigation which should include the glossary plus information on investigative techniques. A matrix format, matching technique to investigation problem, is recommended.

3. The National Association of Insurance Commissioners should be apprised of the problems imposed by insurance policy wording and "cash value" interpretation. This association should be encouraged to develop, as soon as possible, recommended interpretations. These interpretations then should be presented to every state government with the full support of the industry.

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We have come full circle! The need for better, more consistent use of the English language when we talk and write about arson goes right back to the needs for better definition of professional responsibilities and better communication to and with other professionals and members of the public. Thus, the needs areas should be addressed together. Too long we have been like the blind men in the Indian fable who were asked to define an elephant after touching it. Too long we have addressed the entire arson problem as only a collection of those parts we can feel personally. It is time that we looked at the entire beast before it steps on us!

# APPENDIX



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# APPENDIX A

## GUIDE TO ORGANIZATIONS MENTIONED IN THIS REPORT

### **American Bankers Association**

Bankers and trust companies; members comprise about 96 percent of all U.S. banks. 18,398 members. Founded 1875.

### **American Bar Association**

Attorneys admitted to the bar of any state. 175,000 members. Founded 1878.

### **American Insurance Association**

Insurance companies providing property and liability insurance and suretyship. Seeks to promote the economic, legislative and public understanding of its participating companies through a broad spectrum of activities. 127 members. Founded 1964.

#### **Property Claim Services**

A division of the American Insurance Association primarily concerned with the furtherance of interests of its subscriber companies and assisting them in improving their loss adjustment procedures. 165 subscribers.

### **American Mutual Insurance Alliance**

Advanced premium mutual property and casualty insurance companies. 110 members. Founded 1922.

### **Association of Insurance Attorneys**

Trial lawyers, who have more than five years experience in the preparation and trial of insurance cases and the handling of insurance matters, and who "possess the knowledge, skill and facilities to provide insurance companies and self-insurers a legal service of the highest standard." 610 members. Founded 1937.

### **Battelle Memorial Institute Columbus Laboratories**

Battelle attempts to meet the challenge of today in a broad range of research, educational, and invention- and technology-development activities. Its staff of 600 scientists, engineers and supporting specialists bring their skills and training in the physical, life and social-behavioral sciences to bear on the problems and needs of contemporary society. Founded 1929.

### **Council of State Governments**

Commissions on interstate cooperation, or similar bodies, in all 50 states, established as official entities of state governments. Purposes are to serve governmental progress within the in-

dividual states, among the states working together, and by the states in their relations with the federal government. Founded 1925.

### **Factory Insurance Association**

Former name of Industrial Risk Insurers.

### **Factory Mutual System**

Mutual fire insurance companies insuring large industrial and commercial properties in the U.S. and Canada. Seeks to minimize fire losses and provide insurance at actual cost. Founded 1835.

### **FAIR Plan Underwriting Association**

FAIR Plans (now in operation in 26 states, the District of Columbia and Puerto Rico) are outgrowths of the national emergency and property losses created by civil strife in American cities in the 1960s, beginning with the Watts outbreak in 1965. Insurance companies had to pay \$100 million in losses on which they had collected no specific premium. A national advisory panel appointed by President Johnson warned in 1968 that revitalization of cities would be impossible without fair access to property insurance. This was mandated by Congress in the Urban Property Protection and Reinsurance Act of 1968, authorizing federal and state governments to form a new reinsurance partnership with the insurance industry. This partnership makes insurance available to property owners so that they, in turn, can obtain building rehabilitation loans. Insurance companies are protected from catastrophic losses by federal reinsurance and pooling. "FAIR" in the FAIR Plans stands for Fair Access to Insurance Requirements. The Property Insurance Plans Service Office (PIPSO) serves as a coordinating agency for the FAIR Plans.

### **Fire Marshal's Association of North America**

Association of municipal, county, state and provincial fire marshals and fire prevention bureau officials. Affiliated with National Fire Protection Association. 800 members. Founded 1906.

### **Industrial Risk Insurers**

Capital stock companies insuring large industrial concerns. Provides underwriting, engineering, and inspection services. Conducts research and demonstrations. 42 members. Founded 1890.

### **Insurance Crime Prevention Institute**

A nonprofit investigative trade association founded by the insurance industry in 1971 and which today is supported by 315 property and casualty insurance companies. ICPI employs a staff of specially trained agents who assist public law enforcement groups at all levels of government in the detection and referral for prosecution of insurance crime.



**Insurance Information Institute**

Property and casualty insurance companies. Seeks to improve public understanding. 151 members. Founded 1960.

**International Association of Arson Investigators**

Arson investigators employed by fire and police departments, other law enforcement agencies and fire agencies. 3200 members.

**International Association of Fire Chiefs**

Fire chiefs in city and state departments, industrial and military installations; equipment manufacturers and others interested in fire prevention and protection. 8000 members. Founded 1873.

**International Association of Chiefs of Police**

Association of police executives. Provides consultation and research services in all phases of police activity. 10,000 members. Founded 1893.

**Joint Council of National Fire Service Organizations**

The Joint Council of National Fire Service Organizations consists of leaders of the principal national organizations representing the Fire Service of the United States. It meets periodically to review current developments and to establish areas of common interest where cooperative efforts of member organizations can be used for maximum results.

**National Academy for Fire Prevention and Control  
(National Fire Academy)**

Established as an element of the National Fire Prevention and Control Administration to advance the professional development of fire service personnel and other persons engaged in fire prevention and control activities. Is working on the development and implementation of curriculum and courses to meet its goals and objectives, including curriculum and courses on arson investigation.

**National Association of Insurance Commissioners**

State officials supervising insurance. Promotes uniformity of legislation and regulations affecting insurance to protect interests of policy holders. 54 members. Founded 1871.

**National Association of Mutual Insurance Companies**

Mutual fire and casualty insurance companies. Gathers, compiles and analyzes information on all matters relating to insurance and to the reduction and prevention of losses. 1020 members. Founded 1895.

**National Board of Fire Underwriters**

Merged in 1964 with the Association of Casualty and Surety Companies and the old American Insurance Association to form the present American Insurance Association.

**National Bureau of Standards  
Center for Fire Research**

An agency within U.S. Department of Commerce's National Bureau of Standards, with the mission of performing and supporting research on all aspects of fire with the aim of providing scientific and technical knowledge applicable to the prevention and control of fires. Establishes its content and priorities of the research program in consultation with the National Fire Prevention and Control Administration. Results of its research will be encouraged to be incorporated in building codes, fire codes, fire service operations, training and standards.

**National Crime Prevention Association**

A new group being formed to address all sources of major crime in America. The organizational meeting was held in Chicago in April 1976.

**National District Attorneys Association**

Prosecuting attorneys and assistant prosecuting attorneys, who are associate members. Carries out educational and information programs to keep prosecuting attorneys informed in the field of criminal justice and individual civil liberties. 4800 members. Founded 1950.

**National Fire Prevention and Control Administration**

Established October 29, 1974, as an agency of the U.S. Department of Commerce to reduce the nation's human, property and economic losses from fire by better fire prevention and control efforts. Not a regulatory, standard-setting, or enforcement agency, the NFPCA will concentrate on delivering at the federal level the tools and materials needed at the state and local levels for solving the fire problem. Serves as a catalyst and coordinator, interfacing its programs with those of other federal agencies and directing them to public and private areas of need.

**National Fire Protection Association**

Comprehensive national organization including representatives of business and industry, public safety officials, fire insurance executives and engineers, colleges, hospitals, libraries, and the general public. Serves as clearinghouse for fire information. Through some 159 technical committees, develops and publishes advisory standards on practically every aspect of fire protection and prevention. 28,900 members. Founded 1896.

**Property Insurance Plans Service Office**

National advisory organization whose purpose is to assist in improving the administration, operations and functions of individual state property insurance plans operating within the United States. PIPSO provides a wide variety of services to help

property plans to reduce their costs of operation and improve their effectiveness and reporting techniques.

#### **Property Loss Research Bureau**

Sponsored by mutual and stock insurance companies. Formerly Mutual Loss Research Bureau.

#### **State Fire Marshal Offices**

The State Fire Marshal is usually selected by the governor of a state and often reports to the State Insurance Commissioner. A State Fire Marshal is charged with supervising fire investigations and usually has police powers. Some local fire departments have fire marshals who may be administrators rather than investigators.

## **APPENDIX B**

### **AN EXAMPLE OF LEGISLATION TO FACILITATE STATE USE OF INSURANCE COMPANY DATA (Ohio Senate Bill 462)**

#### **111th GENERAL ASSEMBLY, REGULAR SESSION, 1975-1976 SUB. S. B. NO. 462**

MESSRS. BUTTS-FREEMAN-GRAY-GILLMOR-BOWEN-O'SHAUGHNESSY-SECREST-PEASE-WOODLAND-ZIMMERS-CARNEY-COLLINS-STANO-JACKSON-CELEBREZZE-MESHEL-SLACLE-MCCORMACK-JOHNSON-GAETH-CALABRESE-WHITE-MS. VALIQUETTE-MESSRS. MUSSEY-VAN METER

#### **A BILL**

**To amend section 3737.99 and to enact section 3737.16 of the Revised Code to require an insurance company to furnish to fire officials information relating to its investigation of property fire losses, to establish evidentiary rules relating to the use of the information, and to establish penalties for violations.**

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3737.99 be amended and section 3737.16 of the Revised Code be enacted to read as follows:

SEC. 3737.16 (A) THE FIRE MARSHAL, ANY ASSISTANT FIRE MARSHAL, THE CHIEF OR ANY DEPUTY OF THE ARSON BUREAU ESTABLISHED PURSUANT TO SECTION 3737.02 OF THE REVISED CODE, THE CHIEF OF A FIRE DEPARTMENT OF ANY MUNICIPAL CORPORATION OR TOWNSHIP WHERE A FIRE DEPARTMENT IS

ESTABLISHED, OR THE FIRE PREVENTION OFFICER OF ANY MUNICIPAL CORPORATION OR TOWNSHIP WHERE NO FIRE DEPARTMENT EXISTS MAY REQUEST ANY INSURANCE COMPANY INVESTIGATING A FIRE LOSS OF REAL OR PERSONAL PROPERTY TO RELEASE ANY INFORMATION IN ITS POSSESSION RELATIVE TO THAT LOSS. THE COMPANY SHALL RELEASE THE INFORMATION AND COOPERATE WITH ANY OFFICIAL AUTHORIZED TO REQUEST SUCH INFORMATION PURSUANT TO THIS SECTION. THE INFORMATION SHALL INCLUDE, BUT IS NOT LIMITED TO:

(1) ANY INSURANCE POLICY RELEVANT TO A FIRE LOSS UNDER INVESTIGATION AND ANY APPLICATION FOR SUCH A POLICY;

(2) POLICY PREMIUM PAYMENT RECORDS;

(3) HISTORY OF PREVIOUS CLAIMS MADE BY THE INSURED FOR FIRE LOSS;

(4) MATERIAL RELATING TO THE INVESTIGATION OF THE LOSS, INCLUDING STATEMENTS OF ANY PERSON, PROOF OF LOSS, AND ANY OTHER RELEVANT EVIDENCE.

(B) IF ANY INSURANCE COMPANY HAS REASON TO SUSPECT THAT A FIRE LOSS TO ITS INSURED'S REAL OR PERSONAL PROPERTY WAS CAUSED BY INCENDIARY MEANS, THE COMPANY SHALL FURNISH THE FIRE MARSHAL WITH ALL RELEVANT MATERIAL ACQUIRED DURING ITS INVESTIGATION OF THE FIRE LOSS, COOPERATE WITH AND TAKE SUCH ACTION AS MAY BE REQUESTED OF IT BY ANY LAW ENFORCEMENT AGENCY, AND PERMIT ANY PERSON ORDERED BY A COURT TO INSPECT ANY OF ITS RECORDS PERTAINING TO THE POLICY AND THE LOSS.

(C) IN THE ABSENCE OF FRAUD OR MALICE, NO INSURANCE COMPANY, OR PERSON WHO FURNISHES INFORMATION ON ITS BEHALF, SHALL BE LIABLE FOR DAMAGES IN A CIVIL ACTION OR SUBJECT TO CRIMINAL PROSECUTION FOR ANY ORAL OR WRITTEN STATEMENT MADE OR ANY OTHER ACTION TAKEN THAT IS NECESSARY TO SUPPLY INFORMATION REQUIRED PURSUANT TO THIS SECTION.

(D) THE OFFICIALS AND DEPARTMENTAL AND AGENCY PERSONNEL RECEIVING ANY INFORMATION FURNISHED PURSUANT TO THIS SECTION SHALL HOLD THE INFORMATION IN CONFIDENCE UNTIL SUCH TIME AS ITS RELEASE IS REQUIRED PURSUANT TO A CRIMINAL OR CIVIL PROCEEDING.

(E) ANY OFFICIAL REFERRED TO IN DIVISION (A) OF THIS SECTION MAY BE REQUIRED TO TESTIFY AS TO ANY INFORMATION IN HIS POSSESSION REGARDING THE FIRE LOSS OF REAL OR PERSONAL PROPERTY IN ANY CIVIL ACTION IN WHICH ANY PERSON SEEKS RECOVERY UNDER A POLICY AGAINST AN INSURANCE COMPANY FOR THE FIRE LOSS.

(F) AS USED IN THIS SECTION, "INSURANCE COMPANY" INCLUDES THE OHIO FAIR PLAN UNDERWRITING ASSOCIATION AS ESTABLISHED IN SECTION 3929.43 OF THE REVISED CODE.

(G) (1) NO PERSON SHALL PURPOSELY REFUSE TO RELEASE ANY INFORMATION REQUESTED, PURSUANT TO DIVISION (A) OF THIS SECTION, BY A FIRE MARSHAL, AN ASSISTANT FIRE MARSHAL, THE CHIEF OR A DEPUTY OF THE ARSON BUREAU, A CHIEF OF A FIRE DEPARTMENT, OR A FIRE PREVENTION OFFICER.

(2) NO PERSON SHALL PURPOSELY REFUSE TO NOTIFY THE FIRE MARSHAL OF A FIRE LOSS REQUIRED TO BE REPORTED PURSUANT TO DIVISION (B) OF THIS SECTION.

(3) NO PERSON SHALL PURPOSELY REFUSE TO SUPPLY THE FIRE MARSHAL WITH PERTINENT INFORMATION REQUIRED TO BE FURNISHED PURSUANT TO DIVISION (B) OF THIS SECTION.

(4) NO PERSON SHALL PURPOSELY FAIL TO HOLD IN CONFIDENCE INFORMATION REQUIRED TO BE HELD IN CONFIDENCE BY DIVISION (D) OF THIS SECTION.

SEC. 3737.99 (A) WHOEVER VIOLATES SECTION 3737.081 OF THE REVISED CODE SHALL BE FINED NOT LESS THAN FIFTEEN DOLLARS NOR MORE THAN



TWENTY-FIVE DOLLARS FOR A FIRST OFFENSE; FOR EACH SUBSEQUENT OFFENSE SUCH PERSON SHALL BE FINED NOT LESS THAN TWENTY-FIVE DOLLARS NOR MORE THAN TWO HUNDRED DOLLARS.

(B) WHOEVER VIOLATES SECTION 3737.12 OF THE REVISED CODE MAY BE SUMMARILY PUNISHED BY THE OFFICER CONCERNED, BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS OR COMMITMENT TO THE COUNTY JAIL UNTIL SUCH PERSON IS WILLING TO COMPLY WITH THE ORDER OF SUCH OFFICER.

(C) WHOEVER VIOLATES SECTION 3737.26 OF THE REVISED CODE SHALL BE FINED NOT LESS THAN TWENTY-FIVE NOR MORE THAN TWO HUNDRED DOLLARS.

(D) WHOEVER VIOLATES SECTION 3737.27 OF THE REVISED CODE SHALL BE FINED NOT LESS THAN TEN NOR MORE THAN FIFTY DOLLARS FOR EACH DAY'S NEGLECT.

(E) WHOEVER VIOLATES SECTION 3737.29 OF THE REVISED CODE SHALL BE FINED NOT LESS THAN FIVE NOR MORE THAN TWENTY DOLLARS.

(F) WHOEVER VIOLATES DIVISION (G)(1), (2), (3), OR (4) OF SECTION 3737.16 OF THE REVISED CODE IS GUILTY OF A MINOR MISDEMEANOR.

SECTION 2. That existing section 3737.99 of the Revised Code is hereby repealed.

## APPENDIX C

### PARTICIPANTS LEADERSHIP SEMINARS FOR DEVELOPING A COORDINATED ATTACK ON ARSON

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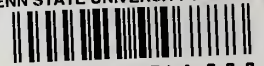
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